

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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MAR 26 1997

In the Matter of

Replacement of Part 90 by Part 88
to Revise the Private Land Mobile
Radio Services and Modify the Policies
Governing Them

and

Examination of Exclusivity and
Frequency Assignment Policies of
the Private Land Mobile Radio Services

PR Docket No. 92-235

Comments

Securicor Radiocom Limited ("Securicor")¹ by its counsel, hereby submits these Comments in support of the "Petition For Clarification" ("Petition") filed by Motorola in the above-captioned proceeding.² Securicor is a leading developer of the highly-spectral efficient Linear Modulation technology, with existing 5 kHz LM systems representing state-of-the-art technology. As such, Securicor has been an active participant in the current proceeding and supports the Commission's decision to provide for the most efficient utilization of the spectrum through a dynamic and flexible channel licensing plan.

¹ Securicor is a subsidiary of INTEK Diversified Corp. ("INTEK").

² 62 Fed Reg 11195 (March 11, 1997).

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In its petition, Motorola asks the Commission to clarify its refarming rules to achieve "consistency with the policies of technology neutrality and encouragement of a voluntary migration from the existing 25 kHz equipment to more efficient technologies."³ Specifically, Motorola requests that the Commission make clear that its channelization scheme does not prevent a user from replacing a single 25 kHz radio with two 12.5 kHz radios within its existing band simply because it is inconsistent with the existing authorized channel center.⁴

Securicor supports Motorola's position that the flexible channel approach adopted by the Commission does not prevent this possibility. The clear intent of the Commission's refarming plan is to allow broad and robust flexibility in the assignment of channels in order to maximize utilization of the spectrum through the introduction of new spectrally-efficient technologies. Therefore, channels can be assigned that are, in fact, inconsistent with the band plan. Subject to frequency coordination, this will allow the assignment of two 12.5 kHz channels in 25 kHz bandwidth.

In its decision, the Commission held "we will permit frequency coordinators to recommend frequencies *inconsistent* with the adopted band plan, for any technology, including 5 kHz..."⁵ By way of example, the Commission indicated that such a recommendation would be necessary for users who may want to implement 5 kHz technology within their existing 25 kHz bandwidth. However, as highlighted by the Motorola petition, this is only one example of when a flexible licensing approach will be necessary. As Motorola points out, a single user migrating from one 25 kHz to two

³Motorola Petition, at 4.

⁴*Id.*

⁵*Memorandum Opinion and Order*, PR Docket No. 92-235, released December 23, 1997, at para. 11 (emphasis added).

12.5 kHz systems, will also need the channel flexibility authorized by the Commission in order to have its new systems accommodated. Other licensing issues will undoubtedly arise.

The appropriate place to resolve these specific issues is in the coordination process itself. The key consideration that must be taken into account for a particular licensing application is whether it can be coordinated under interference guidelines established and accepted in the industry. It does not matter where the channel center is located or whether the proposed system is within an existing 25 kHz bandwidth. Nor should it matter if the proposal is for an exclusive or a shared channel as long as it is compatible with existing users based on industry standards.

This approach for broad and robust flexibility in the coordination process is confirmed by the recent decision to consolidate the licensing pools.⁶ In that order, the Commission highlighted the extensive authority given the frequency coordinators and made clear that the coordination process is not to be static. Coordinators are given wide authority to request all appropriate technical information, system requirements, and justification for requested station parameters from applicants.⁷ Pursuant to an appropriate technical showing, an applicant is given the opportunity to convince the coordinator and ultimately the Commission that its proposed system is acceptable for licensing.⁸

⁶*Second Report and Order*, PR Docket No. 92-235, FCC 97-61, released March 12, 1997 .

⁷*Id.*, at para. 54.

⁸*Id.*, at para. 55.

In sum, the result of the refarming decision is that issues of coordination will be decided on a case-by-case basis subject to the overriding caveat that a license proposal must be compatible under accepted industry standards with existing users of the spectrum. This broad and robust flexibility will lead to the greatest utilization of the spectrum and the introduction of new and advanced technologies into the marketplace without artificial restrictions.

Respectfully submitted,

SECURICOR RADIOCOMS LIMITED

By: Robert B. Kelly
Robert B. Kelly

KELLY & POVICH, P.C.
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
Telephone: (202) 342-0460
Its Counsel


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Certificate of Service

I, Robert B. Kelly, an attorney in the law firm of Kelly & Povich, P.C., hereby certify that on this 26th day of March, 1997, I caused a true and complete photocopy of the foregoing "Comments" to be sent via U.S. first class mail, postage prepaid, to the following:

Richard C. Barth
Director of Telecommunication Strategy
and Regulation
Motorola
1350 Eye Street, NW
Washington, DC 20005

Stuart E. Overby
Assistant Director
Spectrum Planning
Motorola
1350 Eye Street, NW
Washington, DC 20005


Robert B. Kelly